SAGE GROUSE TRANSLOCATION FROM MONTANA TO ALBERTA ENVIRONMENTAL ASSESSMENT DECISION NOTICE

Montana Fish, Wildlife & Parks
December 31, 2015

Background

On November 12, 2015, Montana Fish, Wildlife & Parks (MFWP) distributed a Draft Environmental Assessment (EA) on a proposed action for translocation of 40 sage grouse biennially (totaling up to 120 sage grouse) over a five year period between 2016-2020 from MFWP Administrative Region 6 to the Province of Alberta Canada. The Fish and Wildlife Commission (the Commission) at the November 12, 2015, Commission Meeting in Helena endorsed MFWP moving forward with the EA process and if warranted through the process, return to the Commission with a final recommendation for approval of this action.

Description of the Proposed Action

MFWP, in coordination with Alberta Environment and Parks (AEP), propose a translocation of sage grouse from within MFWP Administrative Region 6 in northeast Montana to suitable habitat in the southeastern portion of Alberta, Canada. Sage grouse have been declining in Alberta for many years and the population is now estimated to be approximately 100 birds. Sage grouse are classified as an endangered species in Canada. This translocation is a population augmentation to maintain a resident population of sage grouse in Alberta.

Currently, Montana considers sage grouse as both a Species of Concern and an upland game bird having stable populations. Furthermore, the US Fish and Wildlife Service recently determined sage grouse do not warrant listing due to core population numbers and ongoing conservation measures. High quality sagebrush habitat scattered throughout Montana's core sage grouse habitat is the primary reason for a sustainable sage grouse population in Montana. One of these core populations occurs in the proposed source area for the translocations between the Missouri River and the Milk River in MFWP Administrative Region 6.

Sage grouse populations occurring north of the Milk River in predominantly silver sagebrush habitats remain at lower densities than those populations south of the Milk River. Many areas north of the Milk River have also experienced a reduction from historic distributions, including areas south of the Alberta and Saskatchewan boundaries. Some of these areas may still facilitate dispersal into or exchanges with Canadian populations, although it is likely that such movements have been greatly reduced by reduced connectivity of sagebrush habitat. Small sub-populations in this region may be dependent on connectivity with larger core populations.

Within the South Valley and Phillip County area, six sage grouse lek complexes have been identified. The Beaver Cr. and Dry Fork complexes in Phillips County and the Larb Creek, Bentonite, and Willow Cr. complexes in Valley County are all appropriate capture locations. Captures would initially occur in the spring of 2016, targeting up to 40 sage grouse for translocation. Female yearling sage grouse will be preferred for the translocation.

Once captured, sage grouse will be placed in individual containers and taken to a central location where they will be processed. Logistics will be organized with AEP staff and others to transport sage grouse across the international boundary in a timely fashion. Once at release sites, sage grouse will be released near known locations of resident sage grouse leks in the best protected habitat. MFWP and AEP will monitor and evaluate this translocation from both the perspective of the source leks and the actual birds that are released in Alberta. The costs associated with the translocation will be predominately covered by AEP.

Subsequent translocations with up to 40 sage grouse are scheduled for 2018 and 2020, pending that source populations do not fall below 45% of average. MFWP may also suspend translocations if previously translocated birds are not meeting short term objectives.

Physical, Biological and Human Impacts of Project

Several resource issues relevant to the proposed action to translocate up to 40 sage grouse biennially (up to 120 sage grouse over 5 years) were studied in detail. These include potential effects to the source population in South Valley and Phillips Counties, potential effects to sage grouse populations in silver sagebrush habitat in Alberta, suitability of sage grouse habitat in southeast Alberta, and effects to sage grouse monitoring and research. In all cases, the proposed action will have minor impacts to those relevant issues.

Several issues were considered but were eliminated from detailed analysis because they were not significant. These non-impacted issues include those related to air, water, noise, land use, risk to human health, community impact, aesthetic/recreation and cultural/historical. While these resources are important, they were either unaffected or mildly affected by the proposed action. One exception that is able to be easily mitigated is concerning vegetation and soils. Capture methods require the use of four-wheel drive vehicles and all terrain vehicles during sage grouse capture. Due to the timing of the capture in April, prior to the primary growing season, minimal vegetation impacts are expected. In areas where topography, soils, and or vegetation prevent vehicle access, walking methods will be used.

Cumulative Effects

Several environmental and human factors influence sage grouse populations and their habitat. The Northern Montana source population is annually influenced by regulated hunter harvest, natural predation, West Nile virus, and annual weather fluctuations. Despite these factors, sage grouse populations have remained stable on the source area, largely due to the maintenance of large expanses of sagebrush habitat and the resiliency of sage grouse populations. The impact of removing up to 40 sage grouse biennially is minor in comparison to the above annual factors and has no population level impacts to sage grouse.

Public Comment

MFWP is required by the Montana Environmental Policy Act (MEPA) to assess significant potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by MFWP and released for public comment on November 12, 2015.

Public comments on the proposed project were taken for 30 days, ending December 11, 2015. The EA was provided to 44 separate news media outlets including the Montana Associated Press. The EA was also provided to over 26 entities that included state agencies, agricultural groups, County Commissioners, Montana Legislators, NGO's, federal agencies and individuals. Lastly, the EA was posted on the FWP webpage: http://fwp.mt.gov/news/publicNotices/**.**

Nine comments were received on the draft proposal from one state agency, one county farm bureau, one agricultural association and the remaining from interested citizens. Comments were focused on concern of removing birds from Montana, while other issues raised included genetic diversity, relevant plans, disturbance to leks, predator management, transporting disease, habitat conditions in Alberta, FWP resources, and connectivity between populations. The final EA clarifies previous statements or facts to address comments, however no changes have been made to the draft EA or the analysis of potential impacts.

Decision

Based on the analysis within the EA, public comments and internal review, the Draft EA will be adopted as the Final EA. This Decision Notice and the Final EA will serve as the final documents pertaining to this action.

FWP recognizes that there will be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that an Environmental Assessment is the appropriate level of analysis and that an Environmental Impact Statement is not required.

FWP and AEP have jointly developed this proposal and both desire healthy sage grouse populations that span the 49th parallel. Populations in the trapping area are robust and will not be impacted by the removal of forty grouse biennially. This action serves as an example of cooperative work between the province of Alberta, Canada and the State of Montana.

In consideration of these facts, I am pleased recommend to the Fish and Wildlife Commission my approval of the translocation of up to forty sage grouse in 2016, 2018 and 2020 into southeastern Alberta, as described in alternative B of the Final EA. The Commission will make a final decision on this recommendation at their January meeting.

December 31, 2015

Ken McDonald
Wildlife Division Administer

Summary of Public Comments

A 30 day public comment period (November 12, 2015 to December 11, 2015) was provided on the draft environmental assessment (EA) to allow for public review and comment on the adequacy of the EA for the proposed sage grouse translocation.

In conjunction with the public comment period, a news release announcing the availability of the EA was issued on November 13, 2015 from the MFWP Region 6 Headquarters to statewide news media and Montana daily and weekly newspapers, television stations, and radio stations.

During the review process 9 comment letters were received from one state agency, one county farm bureau, one agricultural association and the remaining from interested citizens. Comments within each letter received during the review period are presented below with a response following. When appropriate, responses are presented by major topic to facilitate responses to similar comments.

1. Comments pertaining to sage grouse genetic diversity

   Comment #1: "It is important to maintain genetic diversity to the Canadian population."

   Response
   We agree with this statement. As indicated in Section 2.2.1., the Canadian sub-population of sage grouse is most genetically similar to those found in northern Montana. However, without free movement between these populations genetic isolation can become problematic. Translocations maintain genetic exchange with Alberta, while efforts are made to increase connectivity among the silver sagebrush sub-population of sage grouse.

2. Comments pertaining to the impacts of removing up to 40 sage grouse in 2016, 2018, 2020 totaling up to 120 birds from south Phillips and Valley Counties.

   Comment #2: "The removal of 40 grouse from the northern MT population on an annual basis is biologically insignificant to the future stability of MT leks."
   Comment #10 & 11: "Do not rob the cushion of birds you have in the Montana population"
   Comment #23: "MWGA's membership finds it difficult to comprehend and reconcile how the BLM and other federal agencies justify imposing additional land use restrictions on agricultural operations as part of its revised RMPs in order to protect sage grouse populations in this state when, at the same time, Montana's Fish and Game Department is shipping sage grouse to Canada and claiming that such action won't endanger the species."

   Response
   MFWP as disagrees with the opinions that the removal of 40 sage grouse will have detrimental affects to sage grouse populations in South Phillips and Valley Counties, Montana.

   There is no direct evidence to suggest that removal of 40 sage grouse from leks will have any significant impact on the local population in south Valley and Phillips Counties.

Described within the EA in Section 1.2, pg 7, sage grouse populations are largely influenced by the large landscape level habitat availability and habitat conditions, alterations and degradation. Research has shown that habitat loss, fragmentation and degradation are the leading cause of sage grouse declines while various other factors, including regulated hunting and predation, have not been shown to contribute to significant declines in sage grouse populations (Braun 1998, Wambolt 2002). Efforts to protect and maintain large undeveloped tracks of habitat within the sage grouse range is the primary factor in keeping the sage grouse from becoming endangered. The sage grouse leks that will be searched and trapped from will be in areas of Phillips and Valley counties with large, undeveloped, high quality habitats and the sage grouse population within the area where the trapping will take place is considered by MFWP to be stable (Section 3.2.1. pgs 23-24).

As stated in the Draft EA (Section 1.1, pg 6), lek counts, on predetermined monitoring leks (Appendix 6, pg 51) surveyed the prior spring to the capture, will determine whether the translocation will take place for that given year. If those monitoring leks are 45% below average, the capture and translocation will not take place the following year. Furthermore, the capture events will not be concentrated in one certain area, rather spread out across the range on leks that are showing the healthiest numbers. In comparison, the effects of translocating 40 sage grouse per year is negligible to the population when compared to annual mortality occurring across their range due to regulated hunting, natural predation, West Nile virus, and annual weather fluctuations.

3. Comments pertaining to use of sage grouse transplants to bolster other Montana populations rather than to Canada

Comment #3: "So my point is why are the birds being transplanted not only out of county but out of the country? Why can't the birds be reestablished in the county (Stillwater) like they were years ago?"
Comment #13: "I feel there are areas of core habitat within Montana greater sage grouse area that would be better served by a sage grouse translocation than the planned relocation to Alberta."
Comment #17: "Montana Taxpayers need to be reassured that our dollars will not fund other countries efforts to rebuild their wildlife populations."

Response
While transplanting wild animals to bolster other populations in other areas is a practice MFWP uses in wildlife management, MFWP disagrees that it would necessarily be better to transplant these sage grouse to various places in Montana as suggested in the comments.

Sage grouse populations throughout most of Montana have been relatively stable and have not seen the large declines in distribution that have occurred in other parts of the range (Connelly 2004). Areas in Montana that have experienced significant declines in the range of sage grouse are largely due to the loss and fragmentation of sagebrush habitat. The vast majority of remaining sagebrush habitat in Montana is still connected to core source populations and recolonization of suitable habitats can still occur. Therefore departmental augmentation of these habitats has not been necessary. As indicated in the draft EA (section 1.2, page 7), past habitat conversion has reduced the distribution and

connectivity of sage grouse subpopulations in the Northern Sagebrush Steppe. The combination of sage grouse numbers below minimum viable size and the increasing isolation of Alberta sage grouse subpopulations are two reasons this translocation has been proposed.

As was mentioned in the draft EA, (Section 2.2.1, pages 11-14) greater sage grouse in Alberta are most closely related to sage grouse in northern Montana. Sage grouse in Alberta, Saskatchewan, and northern Montana have been shown through genetic research (Bush et al 2010) to have been historically connected and are considered one population. Additional research (Smith 2010) has documented seasonal migrations between sage grouse subpopulations in Saskatchewan and subpopulations in Montana as far south as the Missouri River. The genetic and movement data indicate a strong connection between subpopulations in Canada and with those in northern Montana. The loss of sage grouse in Alberta could have negative impacts on the remaining sage grouse subpopulations in the transboundary area with Montana and Saskatchewan. Maintaining healthy numbers of sage grouse in southern Alberta may benefit sage grouse in Montana by ensuring greater genetic diversity and resilience within the larger Northern Sage Steppe sage grouse population.

4. Comments pertaining to missing pertinent plans, agreements, etc…

Comment #4: "Chapter 1, Part 4- Add Governors Executive Orders one and two. Document references 2005 plan. Add DNRC Letter of Authorization to utilize state school trust land for capture"
Comment #25: "Incredibly and inexplicably, Montana's Sage Grouse Conservation Strategy is NOT listed as one of the relevant plans and authorities considered and consulted in the Draft EA. See, page 9, Section 1.4"

Response
Executive orders 10-2014 and 10-2015 are critical plans that primarily pertain to sage grouse habitat conservation and improvement through implementation of the Montana Sage Grouse Habitat Conservation Program. These orders and plan are included in the Final EA (Section 1.4, pg 9). However it should also be noted that MFWP retains the role of species (sage grouse) management as defined in statute (also see Response #5 below), which this translocation falls within.

The DNRC Letter of Authorization is added to Applicable permits, licenses and consultations (Chapter 1.6, pg 10) and will be adhered to if the translocation is approved.

5. Comments pertaining to consultation with the Montana Sage Grouse Oversight Team (MSGOT) and project lead by the Montana Sage Grouse Habitat Conservation Program.

Comment #5: "This transfer proposal should be developed through the State Program with the input by the Montana Sage Grouse Oversight Team. This Transfer is outside the State Program."
Comment #26: "The Draft EA is Inadequate because Montana's Sage Grouse Oversight Team has not been consulted as to the Proposed Management"

Response
MFWP agrees that consultation with MSGOT can strengthen the project but FWP disagrees with the opinion that the MSGOT involvement and/or oversight is required because this is a species management action that falls under FWP responsibility.

Montana state statute (87-2-201) indicates that Montana Fish, Wildlife and Parks, through its citizen commission, shall set the policies for the protection, preservation, management, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department related to fish and wildlife as provided by law; And shall comply with, adopt policies that comply with, and ensure the department implements in each region the provisions of state wildlife management plans adopted following an environmental review conducted pursuant to Title 75, chapter 1, parts 1 through 3. Therefore, MFWP believes that this translocation proposal and Draft EA process fall within the role of species management, as clarified in statute.

6. Comments pertaining to disturbance of sage grouse on source leks

Comment #6: "FWP repeatedly request that people and bird watchers avoid disturbing SG during the time that they are on leks. However, this sensitive time is exactly when the netting of birds will be done. This is a double standard. Don't disturb the birds."
Comment #15: "capture efforts, spring time is prerogative of EA, will be damaging to any lek or SG that is disturbed during this effort."

Response
Disturbance to sage grouse leks will be minimized by utilizing spotlight and netting individual hens as described in the EA (2.3.2. pg 18). The latter three quarters of the breeding period during the spring breeding time is considered the best time of the year for a successful translocation of sage grouse by reducing the searching time and disturbances with sage grouse concentrated around leks and increasing the probability that sage grouse will anchor at the release locations. During capture operations, the lek center is often used as a starting point to locate birds; however most of the searching and trapping occurs away from the lek, sometimes up to a mile or more from the actual lek. Trapping takes place during the nighttime while the birds are generally away from the lek and roosting in the surrounding habitats and will not take place on the leks during the sensitive lekking periods of the early morning hours.

MFWP sage grouse monitoring, following the captures in 2011 and 2012, has shown that sage grouse trapping activities and subsequent translocations did not have any negative impacts on the long term lek attendance on individual leks. MFWP has compared trend data on leks that were trapped during the 2011-2012 translocations to the total trend data for Southern Valley and Phillips counties. Trend data for those leks searched or captured on did not differ from other leks, between counties or the AHM leks that are monitored annually following the first translocations. These data have been included in the final EA (Section 3.3.2, pgs 27-28)

7. Comments pertaining to predator management in Alberta and Montana

Comment #7: "Predation in Canada and it potential impact on SG is referenced several time in the document. However, predation is completely avoided as a management consideration in Montana"
Comment #16: "the EA has many paragraphs discussing the reality that avian and terrestrial predation is and should be addressed for SG management."

Response
Predation is not viewed as a major driver of the long term decline of sage grouse in Alberta. However, at current population levels the pressure exerted by predators is limiting recovery efforts in Alberta. As a result, AEP has implemented a comprehensive predator management program for sage grouse (Section 3.2.2, pg 26). This program was developed using data collected from translocated sage grouse in 2011-12. AEP recorded a significant increase in population numbers and nest success following the implementation of the predator management program. AEP plans to continue with the comprehensive predator management program for sage grouse as an important part of the provincial recovery program.

Predation is also not viewed as a major driver of sage grouse populations in Montana. It is recognized that predators can be a threat to localized populations, particularly in areas of high habitat fragmentation. Ways to minimize the effects of predators on sage grouse are identified in Attachment B of the Montana Sage Grouse Habitat Conservation Program. It is also recognized that the best way to minimize the effects of predators on sage grouse is to provide good quality habitat in sufficient quantity (Executive Order 12-2015, Attach. A, pg. 3).

8. Comments pertaining to introducing diseased sage grouse to Canada

Comment #8: "Is this movement of birds going to result in Avian Influenza in Canada?"

Response
Appendix 4, pgs 46-49 in the Draft EA describes in detail tests that will be completed for all significant diseases (to include Avian Influenza) as they relate to sage grouse and birds. These tests are also required for several of the required USDA and Canadian Food Inspection Agency permits.

MFWP and AEP undertook extensive disease testing of all sage grouse that were translocated from South Phillips and South Valley counties in 2011-2012. Included in the suite of disease sampling was collection of cloacal/throat swabs for Avian Influenza (AI) testing. A total of 39 sage grouse were sampled, with all testing negative for AI. As a requirement of the Canadian Food Inspection Agency and the Government of Alberta, any subsequently translocated sage grouse would be tested for AI using the same methodology. Since the source populations for subsequent translocations would be the same as those used in 2011-12 and there is no indication of new AI infections in those populations, AEP has determined that the risk of introducing AI to Alberta through these translocations is low.

9. Comments pertaining to sage grouse habitat in Alberta

Comment #9: "The habitat type in Canada, silver sagebrush, is marginal habitat for prolific SG populations."
Comment #12: "If you take our birds into an area without proper habitat they will most likely die."
Comment #20: "What is lacking in the proposal from AEP is the habitat the sage grouse will have available to them in their new home."
Comment #22: "All accommodations for the bird's survival seem to be sometime in the future."

Response

Silver sagebrush continues to provide high quality habitat, consistent with the requirements of all life stages of sage grouse. Previously translocated sage grouse from Montana quickly acclimated to silver sagebrush habitat and successfully bred, nested and raised young there (Section 3.2.2, pg. 26). Silver sagebrush habitat has supported a population of thousands of sage grouse throughout southeastern Alberta, northern Montana and southwestern Saskatchewan for hundreds of years. There is no indication that silver sagebrush is 'marginal' habitat for sage grouse.

Alberta continues to contain large amounts of intact habitat available for sage grouse. AEP considers a 42 township area in the southeastern corner of the province of Alberta as its current greater sage grouse range. This 1540 mile^2 area has been the stronghold for the Alberta sage grouse population for more than 40 years. Analysis of land cover layers developed by the Northern Sagebrush Steppe Initiative (NSSI) provides a strong depiction of current habitat conditions in southeastern Alberta. NSSI land cover categories can be grouped into two classes; habitat *beneficial or neutral to sage grouse*, and habitat *detrimental to sage grouse*. Beneficial or neutral habitat in Alberta currently consists of native grasslands (78.2%), exposed land (i.e. clay flat, badlands) (6.2%), shrublands (i.e. native shrub cover primarily associated with riparian habitat) (4.3%), wetlands (2.9%) and water bodies (0.2%). Detrimental habitat in Alberta currently consists of agricultural lands (8.0%), developed lands (i.e. towns, homesteads) (0.1%) and mixed coniferous/deciduous forests (0.1%). It is clear that the majority of habitat in the current sage grouse range of Alberta continues to be large tracts of intact native grasslands and detrimental habitat only comprises 8.2% of the total area.

AEP has worked in collaboration with conservation organizations such as the Alberta Conservation Association, Pheasants Forever and the Alberta Fish and Game Association, to restore parcels of agricultural land back to native grassland. To-date 1,300 acres have been reseeded to native grassland, with an additional 90 acres slated for spring 2016 and 250 acres slated for spring 2017.

Industrial activity within the current Alberta sage grouse range is declining with only 26.8% of all well sites that have been drilled continuing to actively produce. Regulatory measures have been enacted by AEP, Alberta Energy and the Federal Government of Canada to further restrict industrial development through timing restrictions, access restrictions and prohibitions regarding destruction and degradation of native habitat. AEP has undertaken other habitat initiatives to reduce detrimental effects on sage grouse. These include; the removal of unused or abandoned structures, removal and relocation of

power lines, removal of non-native vegetation and fence retrofitting and marking. These initiatives are ongoing and are expected to increase functionality and reduce fragmentation of beneficial sage grouse habitat.

10. Comments pertaining to use of MFWP department resources required to carry out the translocation

Comment #14: "This relocation plan will create a demand for Montana FWP field biologists time, which should be used to document SG populations in Montana."
Comment #28: "The draft EA Needs to Identify with More Specificity how the Proposed Project will be Funded."

Response
MFWP agrees that there will be MFWP resources needed to carry out this translocation; however use of MFWP resources will be minimal. MFWP biologists would need to be involved to ensure the effects of removing up to 40 sage grouse hens is minimized. This will be accomplished by surveying sage grouse leks throughout the source area to identify leks and sage grouse distribution that are most prolific and therefore be minimally affected by the removal of several hens per lek. Much of the survey work is already occurring to monitor populations and this aspect of the project would not create significant additional demand on MFWP field biologists.

There would also need to be MFWP staff involvement during capture operations to facilitate capture activities, landowner/agency communication, and other logistics that require MFWP to be the lead. The number of MFWP staff and the amount of time and resources spent by MFWP on the capture will be reduced as compared to past captures so that sage grouse monitoring and other efforts for sage grouse can continue. Additionally, AEP will provide most of the operation funding to carry out the capture and translocation. Similar to the previous efforts in 2011 and 2012, AEP will provide operation funding associated with lodging and meals, as well as providing all specialized capture equipment. AEP is also willing to assist MFWP staff with sage grouse lek monitoring to offset MFWP time spent on the capture.

11. Comments pertaining to migration and connectivity between Montana and Alberta sage grouse populations.

Comment #18: "Several studies have shown natural migration between the two countries. No need for human intervention"
Comment #21: "There is no data to suggest along a possible migratory route from South Valley County to or from Manyberries Alberta, there is any habitat (sagebrush food and cover) for the birds, in fact it is just the opposite (sagebrush sod conversion, gas field development, roads, power lines etc)."

Response
At one time Alberta, Saskatchewan and Montana shared sage grouse across what are now jurisdictional boundaries. Since source populations in Montana for translocations are approximately 150 miles from the core of Alberta's sage grouse range, it is unlikely that movements would occur between those two populations. However, the distance between proposed release leks in Alberta and the closest active sage grouse lek in Montana is less

than 50 miles. MFWP and AEP believe that an increasing Alberta sage grouse population could provide benefit to adjacent populations in Saskatchewan and northern Montana. Through initiatives such as the NSSI, collaboration among cooperating jurisdictions will assist to maintain and increase connectivity of sage grouse habitat.

12. Comments pertaining to the inadequacy of the EA and/or the need for an EIS.

Comment #24: "An EIS is Required for the Proposed Management Action; an EA is Legally Inadequate."
Comment #27: "The "No Action" Analysis is Skewed, and does not Comport with the Requirement that the Analysis be Objective."
Comment #29: "The Draft EA is Inadequate because there is No Discussion of whether FWP has Coordinated with and/or Consulted with County Officials
Comment #30: "Public Meetings needs to be Held in all Affected Counties."

Response
MFWP disagrees with the opinions of the adequacy of the draft environmental assessment (EA).

The department has the discretion to decide which environmental review document; either an EA or environmental impact statement. This decision is based on a number of considerations including but not limited to the significance criteria described in Administrative Rule 12.2.432 that asks the department to consider 1) if the proposed action is precedent setting, 2) is in conflict with any federal, state or local laws,3) the severity/duration/geographic extent of the proposed action, 4) is the proposed action growth inducing or inhibiting, 5) the quality and quantity of each resource being affected, and 6) the importance of each resource to the state and society.

In addition to the department weighing the significance criteria, the department can choose to prepare an EA instead of an EIS even when the action is one that might normally be require an EIS, but effects can be mitigable below the level of significance through design or enforceable controls (ARM 12.2.430 (4)). As in the case of this project, potential significant negative impacts to the local sage grouse population can be managed through the monitoring of the health and status of the sage grouse in the capture areas is outlined in the draft EA on pages 16 and 19 and Appendix 6, as well as described in the previous responses to comments.

Although there is no guidance in Rule for how the No Action alternative is to be described, typically there are two ways it can be presented depending upon the nature of the project. One way is that the proposed project would not take place thus the status quo of the existing resources is maintained. The other option is that the department would not pursue the action, as would be the case if the action was negotiations for a land acquisition. The first description was used for this project in that the No Action alternative means no Montana sage grouse would be transferred to Alberta. Part 3.3 of the draft EA describes what the predicted impacts of the No Action would be to the relevant resources.

Comment #29 referenced statute 75-1-104 MCA which states, "**Specific statutory obligations unimpaired.** Sections 75-1-103 and 75-1-201 do not affect the specific

statutory obligations of any agency of the state to: (1) comply with criteria or standards of environmental quality; (2) coordinate or consult with any local government, other state agency, or federal agency; or (3) act or refrain from acting contingent upon the recommendations or certification of any other state or federal agency." This statute does not obligate agencies to coordinate or consult with other local, state or federal agencies; it only acknowledges that sections 75-1-103 and 75-1-201 do not impair any statutory responsibilities an agency might have on those three points.

Similar to the discretion the department has to choose which analysis format to complete, the department has the discretion to offer public meetings or not. The department has the responsibility to provide additional opportunities for public review of an EA consistent with the seriousness and complexity of the environmental issues associated with the proposed action and the level of public interest (ARM 12.2.433 (3)). The proposed project is not unique. A similar sage grouse project was proposed in 2011 in the same area and that public review process received comments from four individuals (2011 Sage Grouse Translocation EA Decision Notice - http://fwp.mt.gov/news/publicNotices/decisionNotices/pn_0498.html). Based on the level of public interest for the 2011 sage grouse project, the limited environmental issues predicted with this effort, and that a 30-day public comment period was provided, the department decided offering a public meeting was not warranted.

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